IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4477 OF 2005

The State of Maharashtra ...Applicant

vs.

Vishwas K. Ghatge and others ...Respondents

Ms S.V.Gajare,A.P.P. for the Applicant
Ms Sonali Talkute h/f Mr.Vishwanath Talkute for R.No.1

CORAM: A.S.OKA,J.
DATE : NOVEMBER 16,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant. The acquittal of the Respondents is for offences punishable under sections 143,147,148,324,323,506 read with section 149 of the Indian Penal Code.

2. After having heard the learned A.P.P and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave. Firstly, there is a gross delay in lodging the complaint. The incident is of 27th September 2000 for which a complaint was filed in the court on 15th January 2001. Apart from this fact, the learned Trial Judge held that the evidence of five material witnesses viz. P.W.no.1 to 5 is untrustworthy and unreliable. The learned Judge found that the evidence of four victims of the alleged offence was inconsistent with each other. The learned Judge found that the credibility of the evidence of the victims has been

affected by the evidence of the Medical Officer. The learned Judge found that the presence of the so called independent eye witness Dhanaji at the relevant time was itself doubtful. A finding has been recorded that there are two complaint cases filed by the accused persons against the two victims viz. Avinash and Sadashiv.

3. The view taken by the learned Trial Judge is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE